

1 BILL NO. G-87-06-38

2 GENERAL ORDINANCE NO. G- *Withdrawn*

3 AN ORDINANCE amending the Thoroughfare  
4 Plan of the City Comprehensive ("Master")  
5 Plan by vacating a portion of street.

6 WHEREAS, a petition to vacate a portion of a public  
7 street within the City of Fort Wayne (as more specifically  
8 described below) was duly filed with the City Planning  
9 Commission; and

10 WHEREAS, said Commission duly held a public hearing  
11 thereon; and

12 WHEREAS, said Commission has duly forwarded its  
13 recommendation to this body approving said petition, all in  
14 accordance with I.C. 36-7-4-512(2) and this body having held  
15 a public hearing on said vacation as provided in I.C. 36-7-  
16 4-12; and

17 WHEREAS, this body concurs in the recommendation of the  
18 City Planning Commission.

19 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
20 THE CITY OF FORT WAYNE, INDIANA:

21 SECTION 1. That the petition filed herein to vacate a  
22 portion of a public street within the City of Fort Wayne,  
23 more specifically described as follows, to-wit:

24 Ralph Avenue, commencing at a point one hundred forty  
25 five feet (145) west of the centerline of Poinsette  
26 Drive, thence proceeding west a distance of one hundred  
27 six and eight-tenths (106.8) feet.

28 and which vacating amends the Thoroughfare Plan of the City  
29 Comprehensive ("Master") Plan and is hereby approved in all  
30 respects.

31 SECTION 2. That this Ordinance shall be in full force  
32 and effect from and after its passage, any and all necessary  
approval by the Mayor.

*Jamit H. Bradbury*  
COUNCILMEMBER



1 APPROVED AS TO FORM AND LEGALITY:

2   
3 BRUCE O. BOXBERGER, CITY ATTORNEY

4 \*\* Public hearing to be held on \_\_\_\_\_,  
5 the \_\_\_\_\_ day of \_\_\_\_\_, 1987,  
6 in the Council Chambers.

7  
8 Sandra E. Kennedy, City Clerk  
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Fox RIVER BOND  
26% COTTON



Read the first time in full and on motion by Bradbury  
seconded by Talarico, and duly adopted, read the second ti  
by title and referred to the Committee Regulators (and the C  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wa  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M.,

DATE: 6-23-87

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_  
seconded by \_\_\_\_\_, and duly adopted, placed on it  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR

# RECEIPT

OK # 4549

COMMUNITY DEVELOPMENT & PLANNING

No 1191

FT. WAYNE, IND., 5-6 19 87

RECEIVED FROM

Levine & Lerch \$ 100.00

THE SUM OF

one hundred & 00/100 DOLLARS

ON ACCOUNT OF

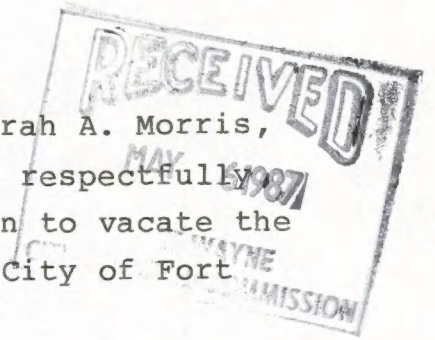
for - Ralph R. [unclear]  
[unclear]  
AUTHORIZED SIGNATURE



PETITION TO VACATE PORTION OF STREET

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE

The undersigned, Timothy L. Morris and Deborah A. Morris, husband and wife, petitioners herein, do hereby respectfully petition the Fort Wayne City Planning Commission to vacate the following portion of public street, within the City of Fort Wayne, Indiana, hereby described as follows:



Ralph Avenue, commencing at a point one hundred forty five feet (145) west of the centerline of Poinsette Drive, thence proceeding west a distance of one hundred six and eight-tenths (106.8) feet.

In support thereof, your petitioners would represent as follows:

1. That the street is not necessary as ingress or egress to any other properties whatsoever.
2. That the street is unopened and non-improved.
3. That the maintenance of said street is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.
4. That all property to the west of said vacated portion has been deeded and dedicated to the City of Fort Wayne, for use as a park.

Your petitioners file this petition pursuant to the authority granted in the Indiana Code, Section 36-7-4-521 in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described street be vacated according to the provisions of the Indiana Law pertaining thereto.

Dated this 30th day of April, 1987.

Timothy L. Morris  
Timothy L. Morris, Petitioner

Deborah A. Morris  
Deborah A. Morris, Petitioner

Address: 1429 Ralph Avenue  
Fort Wayne, Indiana 46808

Stephen J. Lerch  
Stephen J. Lerch  
LEVINE & LERCH  
Suite 1111  
127 West Berry Street  
Fort Wayne, Indiana 46802  
Telephone: (219) 422-7431  
Attorney for Petitioners

ORIGINAL

Admn. Appr. \_\_\_\_\_

COUNCILMANIC DISTRICT No. \_\_\_\_\_

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Street Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE A portion of Ralph Street.

*9-87-06-38*

EFFECT OF PASSAGE Property is present public right-of-way. Property would  
be closed for public use and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property would remain public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_



# Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street Vacation Ordinance

## DETAILS

### Specific Location and/or Address

Portion of Ralph Street

### Reason for Project

Additional driveway is needed by petitioner for easier ingress/egrees to property.

### Discussion (Including relationship to other Council actions)

20 July 1987 - Public Hearing

Timothy Morris, petitioner and adjacent property owner stated that when his home was built the contractor built it 6 feet closer than he had wanted, making it impossible to back his car out of his driveway and into the street. He stated that this property is at the end of a dead end street, on the south side is a park and on the north side is a wooded area. He stated that his is the only house on the street.

Lavon Reader, 2717 Cambridge Avenue, with Lincoln Park Association stated that she wasn't in opposition, but was concerned about the access to the park on the north side of Ralph Street from Poinsette.

It was pointed out by staff that the Park Department had approved the vacation but that the Park Department was investigating the need for the possibility of an easement to insure park access from Poinsette.

## POSITIONS

## RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/  
Proponents

Applicant(s)

Timothy & Deborah Morris

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff  
Recommendation

☐ For ☒ Against

Reason Against

Board or  
Commission  
Recommendation

By

☐ For ☒ Against  
☐ No Action Taken

☐ For with revisions to condition  
(See Details column for condition)

CITY COUNCIL  
ACTIONS  
(For Council  
use only)

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

**DETAILS**

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

27 July 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the 7 members present, 6 voted in favor of the recommendation, one (1) did not vote.

Motion carried.

**POLICY/PROGRAM IMPACT**

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

**Project Start**

**Date** May 6, 1987

**Projected Completion or Occupancy**

**Date** July 30, 1987

**Fact Sheet Prepared by**  
Patricia Biancaniello

**Date** July 30, 1987

**Reviewed by**

**Date**

*Gray Barta*  
**Reference or Case Number**

*8/31/87*



BILL NO. G-87-06-38

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating a  
portion of street

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(~~RESOLUTION~~) Withdrawn

YES

NO

Janet G. Bradbury JANET G. BRADBURY  
CHAIRPERSON

Charles B. Redd CHARLES B. REDD  
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

Paul M. Burns PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

CONCURRED IN 9-22-87

SANDRA E. KENNEDY  
CITY CLERK



A PETITION TO VACATE THE DESCRIBED PORTION  
OF PUBLIC STREET.

COUNCILMANIC DISTRICT NO. 3



**LAND USE:**

**DATE:** 5-27-87





NOTICE OF PUBLIC HEARING

You are hereby notified that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, June 15, 1987 at 7:00 P.M. in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana on the following proposed vacation of public right-of-way.

VACATION OF A PORTION OF RALPH AVENUE

Ralph Avenue, commencing at a point one hundred forty five feet (145) west of the centerline of Poinsette Drive, thence proceeding west a distance of one hundred six and eight-tenths (106.8) feet.

All interested persons are invited to attend.

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner  
Secretary

*Agens*

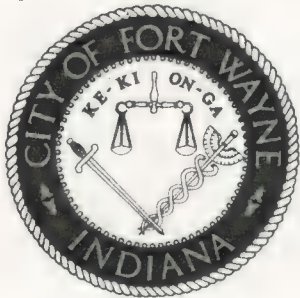
*Steve Larch*

*127 W. Berry*

*Suite 111*

*City 02*





# The City of Fort Wayne

September 3, 1987

Ms. Marilyn Romine  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Romine:

Please give the attached full coverage on the date of  
September 8, 1987, in both the News Sentinel and  
Journal Gazette.

RE: Legal notice for Common Council  
of Fort Wayne, IN

Bill No. G-87-06-38  
Portion of Ralph Street

Please send us 4 copies of the Publisher's Affidavit from  
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 1



NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-87-06-38)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, September 22, 1987, at 7:00 P.M. (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

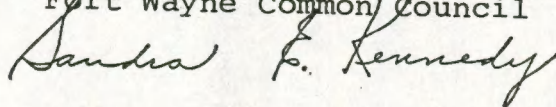
Portion of Ralph Street -- Additional driveway is needed to petitioner for easier ingress/egress to property.

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Ralph Avenue, commencing at a point one hundred forty five feet (145) west of the centerline of Poinsette Drive, thence proceeding west a distance of one hundred six and eight-tenths (106.8) feet.

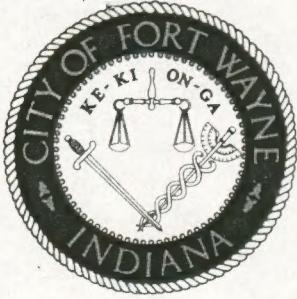
All interested persons are invited to attend.

Fort Wayne Common Council



Sandra E. Kennedy  
City Clerk





# The City of Fort Wayne

September 3, 1987

Steven Lerch, Attorney  
127 West Berry  
Suite 1111  
Fort Wayne, Indiana 46802

## NOTICE OF PUBLIC HEARING ON BILL NO. G-87-06-38

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, September 22, 1987, at 7:00 P.M. (EST) in the Council Conference Room 128, City-County Bldg. One Main Street, Fort Wayne, Indiana.

### VACATION OF A PORTION OF RALPH AVENUE

Portion of Ralph Street -- Additional driveway is needed to petitioner for easier ingress/egress to property.

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy  
City Clerk

Fort Wayne Common Council  
(Governmental Unit)  
Allen County, IN

To JOURNAL-GAZETTE Dr.  
P.O. BOX 100  
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines  
Head number of lines  
Body number of lines  
Tail number of lines  
Total number of lines in notice

COMPUTATION OF CHARGES

21 lines, 1 columns wide equals 21 equivalent lines at .300¢ \$ 6.30  
Additional charge for notices containing rule or tabular work (50 per cent of above amount)  
Charge for extra proofs of publication (1.00 for each proof in excess of two) 2 extra 2.00  
TOTAL AMOUNT OF CLAIM \$ 8.30

DATA FOR COMPUTING COST

Width of single column 12.5 picas Size of type 6 point  
Number of insertions 1 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Sept. 8 19 87

Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:  
Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, one time which was duly published in said paper for the dates of publication being as follows: 9/8/87

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-87-06-38)  
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All interested persons are invited to attend.  
Fort Wayne Common Council  
Sandra E. Kennedy  
City Clerk

Subscribed and sworn to me before this 8th day of September 19 87  
Shelley R. LaRue Notary Public  
My commission expires March 3, 1990



Fort Wayne Common Council  
(Governmental Unit)  
Allen  
County, IN

To NEW-SENTINEL Dr.  
P.O. BOX 100  
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines  
Head number of lines  
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DATA FOR COMPUTING COST

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Number of insertions 1 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Sept. 8, 19 87 Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says

that he/she is CLERK of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

9/8/87

Subscribed and sworn to me before this 8th day of September 19 87

Shelley R. LaRue Notary Public

My commission expires March 3, 1990

NOTICE OF PUBLIC HEARING  
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(BILL NO. G-87-06-38)  
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Sandra E. Kennedy  
City Clerk